

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE
VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL,
ON WEDNESDAY, FEBRUARY 9, 2000.**

Members Present: Peter Lilienfield, Chairman
William Hoffman
Jay Jenkins, Secretary
Allen Morris
Patrick Natarelli

Also Present: Lino J. Sciarretta, Village Counsel
Brenda Livingston, Ad Hoc Planning Board Member
Richard Fon, Building Inspector
Robert Citarell, Environmental Conservation Board
Florence Costello, Planning Board Clerk
J&L Reporting Service for Westwood Development Associates
Applicants and other persons mentioned in these Minutes
Members of the Public.

IPB Matters

Considered: **94-03 -- Westwood Development Associates, Inc.**
Broadway, Riverview Road & Mountain Road
98-44 -- Ciccio & Chernick
Riverview Road
00-03 -- Robert Clivilles (Amendment)
Legend Hollow, 18 Manor Pond Lane, Lot #52
00-04 -- David Zwiebel
23 Matthiessen Park
00-07 -- Gary & Lynn Raimondo
25 South Cottenet Street
00-08 -- Edward & Aurora Tishelman
The Pond House

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

1. With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees.

IPB Matter #98-44:

Application of Joseph & Denise Ciccio and Mitchell & Sheri Chernick for subdivision of property at Riverview Road.

Mr. Norman Sheer appeared for the Applicant. This matter was continued from previous meetings and relates to a proposed subdivision of property on Riverview Road. Mr. Sheer discussed two issues relating to the Application: (i) the requirement for an opinion of counsel regarding access of the property and the potential demapping of the abutting paper street and (ii) provision of an easement on the property for access to the sewer line proposed by Westwood Development Corp. With respect to the first issue, Village Counsel and Mr. Sheer intend to discuss, prepare and review the required opinion. With respect to the second issue, Mr. Sheer submitted a letter from his clients requesting provision of the easement in the plans for Westwood Development.

The Board took no formal action and carried the Application over to its next meeting.

IPB Matter #00-08:

Application of Edward & Aurora Tishelman for Waiver of Site Development Plan Approval for the Pond House.

Mr. Padraic Steinschneider appeared for the Applicant. Applicant presented evidence of mailing of the required Notice to Affected Property Owners. The Application relates to an addition of approximately 240 square feet of floor area, including a new one story addition for a breakfast area. The addition will increase the footprint by 320 square feet, from the current footprint of 2,400 square feet. Mr. Mastromonaco presented no engineering concerns. The Board noted that the Application was referred to the Environmental Conservation Board and, accordingly, the Application was carried over to the next meeting of the Planning Board. There were no comments from the public.

IPB Matter #00-07:

Application of Gary & Lynn Raimondo for Site Development Plan Approval for property at 25 South Cottenet Street.

Earl E. Ferguson appeared for the Applicant. Applicant presented evidence of mailing of the required Notice to Affected Property Owners. The Application relates to the construction of an additional story within the existing footprint of a house on South Cottenet Street, raising the height by approximately 4 feet. The space will be used for two bedrooms and an adjoining bathroom. The Applicant represented that there would be no impact on the setback of the structure. The Board noted that Zoning Board action is required because the

addition may exceed the limit of 2 1/2 stories. There were no comments from the public. Mr. Mastromonaco raised no concerns. Applicant submitted plans entitled Raimondo Residence, 25 South Cottenet Street, by Earl Everett Ferguson, Architect, dated January 24, 2000, six (6) sheets.

After discussion, on motion duly made, seconded and unanimously approved, the Board granted Site Development Plan Approval subject to Zoning Board of Appeals approval.

IPB Matter #00-04:

Application of David Zwiebel for Waiver of Site Development Plan Approval for property at 23 Matthiessen Park.

Earl E. Ferguson appeared for the Applicant. Applicant presented evidence of mailing of the required Notice to Affected Property Owners. The Application relates to the proposed removal of a single family raised ranch on the property and construction of a two and one-half story single family residence of approximately 5,680 square feet, an increase of the existing footprint by approximately 2,259 square feet. At the Planning Board's January 5, 2000 meeting, the Board, after reviewing the Application for Determination of Site Capacity, requested that the subject Application be filed. Mr. Mastromonaco indicated that the Applicant had satisfied the engineering comments set forth in his January 5, 2000 memorandum, but did note that the resulting slope may be problematic.

Applicant presented drawings. The Board raised several issues: (i) the placement of a retaining wall in an existing utility easement; (ii) potential drainage problems resulting from the steep slope; (iii) the length and appearance of the driveway to access the garage at the rear of the proposed construction; and (iv) the extent of the proposed landscaping.

The Chairman requested comments from the public. Mr. Gerald Reilly, representing the Hornicks, a neighbor of the Applicant, presented objections to the Application expressing concerns about (i) drainage, (ii) destruction of trees; (iii) the size and appearance of the garage, and (iv) site capacity after regrading. In addition, Ms. Charlene Hornick spoke in opposition to the Application.

Mr. James Cescere, a resident on North Ferris Street, expressed concern about the sight clearance from the driveway behind the entrance gates to the Park and concerns about the removal of construction debris during the demolition.

After further discussion, the Board scheduled a site walk for February 13, 2000 at 12:30 p.m.

IPB Matter #00-03:

Application of Robert Clivilles for Amended Site Development Plan Approval for property at 18 Manor Pond Lane, Lot #52, Legend Hollow.

Craig A. Studer appeared for the Applicant. The Applicant had appeared at the Planning Board meeting on January 5, 2000 in connection with the Applicant's obligation to correct an encroachment and to obtain approval for certain changes from the plans previously approved by the Board.

Applicant presented plans showing restoration of the property, but the plans showed the placement of walls at locations beyond that which had been previously approved and a modified pool structure taking advantage of such placement.

The Board expressed concern that approving the proposed plan would set a bad precedent insofar as such approval in essence would be a direct result of Application's violation of the constraints set forth in the previously approved plan. The Board insisted that the Applicant present plans showing full restoration to the limits of disturbance, as previously approved. In addition, the following three conditions will be considered:

- appointment of a qualified party to oversee execution of the work;
- issuance of a Bond or other security to assure restoration of the neighbors' property;
- delay in work on the pool until the restoration work is completed.

Mr. and Mrs. Seminatore, the affected neighbors, will work with Village Counsel to provide a letter to the Village confirming that the proposed plan is acceptable. The application was carried over to the Board's February 16, 2000 special meeting.

IPB Matter #94-03:

Application of Westwood Development Associates, Inc., for Limited Site Development Plan Approval for property at Broadway, Riverview Road and Mountain Road.

Padraic Steinschneider and Charles Pateman appeared for the Applicant. The Applicant submitted a revised layout for Tract A, intended to respond to comments from Mr. Mastromonico and from comments during the site walk on January 8, 2000. There was general discussion of the aesthetics of the new layout, but no formal action was taken.

A complete stenographic transcript of the proceeding relating to this matter was prepared and is incorporated herein by reference.

The Board then considered the following administrative matters:

- Minutes of the Planning Board held on January 5, 2000, previously distributed, were on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for March 1, 2000, and a Special Meeting to discuss Westwood Development Associates, was confirmed for February 16, 2000.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jay Jenkins, Secretary